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11 *Attorneys for Defendant Ronald Craig Ilg*

12
13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF WASHINGTON

15 UNITED STATES OF AMERICA,

16
17 Plaintiff,

18
19 vs.

20
21 RONALD CRAIG ILG,

22
23 Defendant.

Case No. 2:21-cr-00049-WFN

**UNOPPOSED MOTION TO
CONTINUE TRIAL DATE AND
ASSOCIATED PRETRIAL
DEADLINES**

Without Oral Argument:
September 17, 2021 at 6:30 pm

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25
26 **MOTION**

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28 COMES NOW, Defendant Ronald Craig Ilg, MD (“Dr. Ilg”), by and
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30 through his attorneys of record, Carl J. Oreskovich and Andrew M. Wagley of
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32 Etter, McMahon, Lamberson, Van Wert & Oreskovich, P.C., and hereby

1 submits the following Unopposed Motion to Continue Trial Date and Pretrial
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3 Deadlines. As indicated fully below, Dr. Ilg respectfully requests the Court set a
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5 new trial date in March 2022 and continue all associated pretrial deadlines. This
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7 Motion is based upon the following Memorandum of Law, the accompanying
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9 Declaration of Andrew M. Wagley, and the files and records herein.

10 **MEMORANDUM OF LAW**

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12 The Speedy Trial Act provides, in pertinent part, “the trial of a defendant
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14 charged in an information or indictment with the commission of an offense shall
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16 commence within seventy days from the filing date (and making public) of the
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18 information or indictment, or from the date the defendant has appeared before a
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20 judicial officer of the court in which such charge is pending, whichever date last
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22 occurs.” 18 U.S.C. § 3161(c)(1). Both the defendant and the public have an
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24 interest in a speedy trial. *United States v. Lloyd*, 125 F.3d 1263, 1268 (9th Cir.
25
1997).

26 Section 3161(h)(7)(A) allows the Court to grant a continuance when “the
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28 ends of justice served by taking such action outweigh the best interest of the
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30 public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).
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32 Congress has specified various factors for the Court to determine when

1 analyzing the “ends of justice” for a continuance, including in pertinent part:

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3 (ii) Whether the case is so unusual or so complex, due to the
4 number of defendants, the nature of the prosecution, or the
5 existence of novel questions of fact or law, that it is unreasonable
6 to expect adequate preparation for pretrial proceedings or for the
7 trial itself within the time limits established by this section.

8 . . .

9 (iv) Whether the failure to grant such a continuance in a case
10 which, taken as a whole, is not so unusual or so complex as to fall
11 within clause (ii), would deny the defendant reasonable time to
12 obtain counsel, would unreasonably deny the defendant or the
13 Government continuity of counsel, or would deny counsel for the
14 defendant or the attorney for the Government the reasonable time
15 necessary for effective preparation, taking into account the
exercise of due diligence.

16 18 U.S.C. § 3161(h)(7)(B)(ii), (iv).

17
18 In the situation at hand, a continuance is warranted based upon the complex
19 nature of this matter and the need for counsel to adequately prepare for trial. *See*
20 18 U.S.C. § 3161(h)(7)(B)(ii), (iv). Dr. Ilg is indicted on one count of attempted
21 kidnapping, contrary to 18 U.S.C. § 1201(a)(1), (d). (*See* ECF No. 22.) The
22 United States alleges that Dr. Ilg “was utilizing the moniker ‘Scar 215’ and
23 communicating with various administrators/representatives from dark-web sites
24 to hire someone to harm two individuals in Spokane, Washington.” (ECF No. 1
25 at 4.) Dr. Ilg has been in pretrial custody since approximately April 16, 2021.
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1 (See ECF No. 12.) Defense counsel entered a formal appearance on April 19,
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3 2021. (ECF No. 6.)

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5 This is a complex matter involving a multitude of discovery regarding the
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7 dark web, cryptocurrency, and the forensic analysis of various electronic
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9 devices. To date, the United States had produced three batches of discovery,
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11 which includes hundreds of pages of documents, multiple media (including
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13 witness interviews) and native files, various search warrants, and multiple cell
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15 phone extractions. As such, the defense needs more time to analyze this
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17 discovery and pursue expert witnesses in various areas as applicable. Defense
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19 counsel would not have a sufficient amount of time reasonably necessary for
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21 effective preparation if a continuance is not granted. See 18 U.S.C. §
22
23 3161(h)(7)(B)(iv). Furthermore, complex aspects of this case involving the dark
24
25 web and cryptocurrency will likely present various novel questions of law in
26
27 relation to pretrial motions. See 18 U.S.C. § 3161(h)(7)(B)(ii).

28 This case has only been the subject of one prior continuance. (See ECF
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30 No. 37.) Defense counsel has corresponded with Assistant United States
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32 Attorney Richard R. Barker, who is in agreement with this continuance request
and a new trial date in March 2022. As such, a continuance is warranted.

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CONCLUSION

Based upon the foregoing reasons, Defendant respectfully requests the Court grant this Unopposed Motion to Continue Trial Date and Pretrial Deadlines. As such, Dr. Ilg respectfully requests a new trial date of March 2022 and the continuance of all pretrial deadlines to correspond therewith.

RESPECTFULLY SUBMITTED this 10th day of September, 2021

ETTER, McMAHON, LAMBERSON,
VAN WERT & ORESKOVICH, P.C.

By: /s/ Andrew M. Wagley
Carl J. Oreskovich, WSBA #12779
Andrew M. Wagley, WSBA #50007
Attorneys for Defendant Ronald Craig Ilg

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of September, 2021, I electronically filed the forgoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the attorneys of record in this matter.

EXECUTED in Spokane, Washington on September 10, 2021.

By: /s/ Jodi Dineen
Jodi Dineen, Paralegal